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In re Application of
Tanaka
Application No.: 09/601,241
PCT No.: PCT/JP99/06645
Int. Filing Date: 29 November 1999
Priority Date: 01 December 1998
Attorney's Docket No.: 2000-0893 A
For: SPEAKER APPARATUS

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: DECISION ON
:
: PETITION
:
: UNDER 37 CFR 1.182
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This is a decision in response to the request to correct the international application number filed on 11 September 2000, which is being treated as a petition to correct the international application number. Accordingly, the \$130 petition fee has been charged to applicant's deposit account.

BACKGROUND

On 29 November 1999, applicant filed international application PCT/JP99/06645 that claimed priority of an earlier Japanese application filed 01 December 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 June 2000. No Demand for international preliminary examination was filed. Accordingly, the twenty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 01 August 2000.

On 31 July 2000, applicant filed a letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a translation of the international application, a preliminary amendment, and the basic national fee of \$840 as required by 35 U.S.C. 371(c). These papers were assigned application number 09/601,241.

On 11 August 2000, the United States Designated/Elected Office mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/EO/EO905), indicating that an oath or declaration and the surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) needed to be filed, along with the paper copy of the sequence listing and the CRF. The notification set a two-month time period in which to respond.

On 17 January 2002, applicant filed a declaration and the surcharge along with a request to correct the international application number. Applicant stated that the international application number was incorrectly identified on the original transmittal letter filed 31 July 2000.

DISCUSSION

37 CFR § 1.417 states, in part:

The submission of the international publication or an English language translation of an international application pursuant to 35 U.S.C. 154(d)(4) must clearly identify the international application to which it pertains (§ 1.5(a)) and, unless it is being submitted pursuant to § 1.495, be clearly identified as a submission pursuant to 35 U.S.C. 154(d)(4).

Although, the national stage application did not clearly identify the application to which it pertains on filing, applicant has provided the correct international application number.

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CONCLUSION

The petition is **GRANTED**.

The \$130 petition fee has been **charged** to applicant's **deposit account #23-0975**.

The "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) dated 25 September 2000 is hereby **VACATED**.

This application is being forwarded to the United States Designated Office for preparation of a corrected "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) indicating a corrected international application number of **PCT/JP99/06645**.



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